

# Hildale City Special Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Friday, January 9, 2015

**Council Members Present:** Doran Jessop, Mayor Philip Barlow, Carvel Nielsen, & Carlos Jessop

*Staff:* Michelle L. Chatwin, Richard J. Barlow, Curtis Cooke, & Samuel Johnson

*Public:* None

## **#1 Call to order:** 3:30 P.M.

Mayor Philip Barlow called the meeting to order as a work session until a quorum arrives.

## **#2 Closed Executive Session**

Not needed

## **#3 Discussion of Pending or Contemplated Litigation, Claims, and Demands**

No discussion.

## **#4 Consideration and Possible Action on a City Mission Statement**

Mayor Philip Barlow mentioned that he feels like it is very good to review this document and be reminded of the mission of the city. Richard Barlow asked if anyone thought the document was too long. Mayor Philip Barlow thought it was fine. Richard Barlow commenced reading the document.

Curtis Cooke and Samuel Johnson arrived. (3:37)

Richard Barlow continued reading the document. Mayor Philip Barlow welcomed any discussion. Richard Barlow wondered if the meaning comes across clearly or if it was too wordy. Mayor Philip Barlow commented that the more you read it, the less wordy it feels. Carvel Nielsen suggested that we dwell on it some more before making a motion to adopt it. Mayor Philip Barlow agreed, again remarking that it is a good thing to go over it often.

## **#5 Consideration and Possible Action to Hire Bond Counsel for a CIB Loan**

Mayor Philip Barlow suggested waiting on this until we have a quorum.

## **#6 Consideration and Possible Action on a Municipal Code**

Richard Barlow handed out a sheet showing the overall progress of the project. Currently, the review status is at 39%. In order to be on track for today (53%), over 50 pages would have to be reviewed. He suggested continuing at a comfortable pace. Discussion commenced on page 173 (Chapter 90 Animals Article 4: Communicable Diseases) Carvel Nielsen asked if animal control was a specific person or if it was a police officer. Samuel Johnson explained that the on-duty officer is currently the animal control person. Samuel Johnson mentioned that he had never seen an animal with rabies. Severe frothing at the mouth and aggression are symptoms of rabies.

Curtis Cooke explained that it is a debilitating disease that is generally fatal. Samuel Johnson explained that quick painless ways of death, such as ejection, gassing, or a bullet in the right place constitute euthanasia.

Carlos Jessop arrived. (4:02) Quorum formed.

Richard Barlow went back to the definition of “animal” as stated in the code. He questioned why “animal” should be narrowed to only include animals that can carry rabies. Samuel Johnson suggested adding fowl, reptiles, and amphibians. Richard Barlow wondered about bees as they can become a nuisance. Richard Barlow returned to previous place of discussion. Samuel Johnson explained that someone visiting has to abide the law of keeping their animal constrained, even though they don’t have to have a dog license. Richard Barlow wondered why hybrid-wolves are not allowed. Carlos Jessop and Samuel Johnson stated that such animals are not able to be tamed. Richard Barlow suggested adding another section to the code of animals that are not allowed within the city limits as a pet. Council and staff mentioned that lions, bobcats, raccoons, etc. should be included in such a list. Richard Barlow asked Samuel Johnson for a list of animals for such list. Samuel Johnson suggested making it more broad and allowing exceptions with an authorization or permit from the city. Carvel Nielsen commented that in Colorado City there was a motion from the wild life division to reintroduce the gray wolf into this area. He was concerned that someone could catch one of these animals that have been raised in captivity and keep it as a pet. Samuel Johnson suggested adding a phrase that even service animals must be kept on a leash and in owner’s immediate control. Samuel Johnson suggested adding “unless the property be properly posted” to the section prohibiting vicious dogs on private property. Carlos Jessop suggested rewording the section referring to kennel owners having their kennel permit removed for animal violations. He expressed a concern that someone has their kennel permit revoked relating to an animal violation that has nothing to do with their kennel. Carvel Nielsen suggested that permit revoking should come from the city council. Richard Barlow remarked that the police department was the entity that gave the permit. Carlos Jessop suggested that city council still review the revocation. Carvel Nielsen suggested that appeals should go to the city council. Samuel Johnson wondered if that would be too much to bother the city council with. Carlos Jessop stated that it would be appropriate to have them come to the city council for the appeal. Samuel Johnson reminded the council that they want to have the future in mind when making these codes. Carlos Jessop stated that he has had the past in mind as well. Samuel Johnson stated that an officer needs to have reasonable cause and suspicion before entering a property to inspect animal issues. He also suggested that they need to come at a reasonable time. Samuel Johnson and Curtis Cooke brought up the point that it needs to be decided what type of offense each section would be termed. Richard Barlow suggested terming all as Class C misdemeanors unless otherwise specified, not to exceed state law. Carlos brought up the concern that each day being a separate offense could be pretty steep. Curtis Cooke explained that separate offense doesn’t necessarily mean a separate citation. Samuel Johnson said that in police academy they taught him to follow the spirit of the law rather than the letter of the law. He then suggested that a clause be added that it must affect the peace of another person. Richard Barlow suggested adding “if it induces substation threat to peace, liberty, life, or property.” Council agreed with that wording.

Returned to #5

#### **#5 Consideration and Possible Action to Hire Bond Counsel for a CIB Loan**

Richard Barlow presented to the council a letter from an agent concerning the CIB Loan. He felt that Randall Larsen with Ballard Spahr would make the best choice. He submitted a draft proposal. Mayor Philip Barlow wondered if the letter said it would only cost us the \$12,000 it said on it. Richard Barlow said it did not indicate that. It is only an estimate. Carvel Nielson asked when the loan payment would be required. Richard Barlow stated that payments would start in October 2016.

**Carlos Jessop motioned to accept Randall Larsen with Ballard Spahr as bond counsel for a CIB loan.**

**Doran Jessop seconded. Roll call vote:**

	YES	NO	ABSTAIN
Doran Jessop	X		
Carlos Jessop	X		
Edwin Barlow			
Carvel Nielsen	X		
Brian Jessop			

Motion carried.

Returned to #6.

#### **#6 Consideration and Possible Action on a Municipal Code**

Discussion recommenced on page 91 (Chapter 35 Hazardous Materials Cost Recovery) Mayor Philip Barlow suggested we wait to review this section until the fire chief would have the opportunity to be here. Richard Barlow suggested we schedule a time for Chief Kevin Barlow to be here for this section. Moved to page 235 (Chapter 130 General Offenses) Richard Barlow suggested adding “music” to noise ordinance. Curtis Cooke clarified that after the stated time, noise is automatically a violation. Before the stated time, someone has to report it. Council and staff discussed and decided the stated time should be after 8:00PM and before 6:00AM. Council sought options of greater propriety concerning nursing mothers in public places. Carlos Jessop wondered if we can restrict the amount people can expose themselves. Curtis Cooke suggested defining the state of nudity. Samuel Johnson suggested getting some suggestions from an attorney. Heber White stated that at a business license conference, he was informed that you cannot outlaw sexually oriented businesses; you can only zone them into certain areas. It may be similar regarding nudity. Discussion ended on page 238. Richard Barlow commented that 16 pages were covered, roughly 5%. Mayor Philip Barlow mentioned that he appreciated the help of everyone. He expressed appreciation for the layout of the book.

#### **#7 Other Business**

Heber White presented to the council an updated business license form. Carvel Nielsen expressed his approval of it. Heber White wondered if the council would like to see all renewals before they are issued a new business license. Michelle Chatwin expressed a concern that it might stall people in their progress as some businesses have to have that business license first thing January 1<sup>st</sup>. Heber White answered that the list from the previous year should be reviewed

by the board in October or November, so that wouldn't be an issue. Carlos Jessop mentioned that we need to have a user-friendly environment for people so it's easy to comply.

With no other business, meeting was adjourned at 6:51 P.M.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on February 10, 2015

Heber B. White

Heber White, Deputy City Recorder

